

UNITED STATES DISTRICT COURT

DISTRICT OF NEW MEXICO

**Exhibit
A**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Cause No: 2:15-cr-04268-JB

ANGEL DELEON, et al.,

Defendants.

JAIL CALL BETWEEN BEN CLARK AND MOM

<p style="text-align: right;">Page 2</p> <p>1 RECORDING: Hello. You are about to receive a 2 prepaid call from -- 3 MR. CLARK: (Inaudible). 4 RECORDING: -- an inmate at the penitentiary of 5 New Mexico. This call is subject to monitoring and 6 recording. This call is subject to local, state, and 7 federal taxes. To accept charges, press one. To refuse 8 charges, press two. If you would like to permanently 9 block your number from receiving calls from this 10 facility, press 6. For balance and rate quotes, press 11 7. 12 Thank you for using Securis. You may start 13 the conversation now. 14 MR. CLARK: Mom? 15 MOM: Yeah? 16 MR. CLARK: No -- you haven't heard nothing from 17 Steve? 18 MOM: I ain't heard nothing. 19 MR. CLARK: All right. Well, you could keep 20 texting him. Just let me know, I'll just call 21 periodically and try to get a date and a time to call 22 him. No? 23 MOM: Yeah. 24 MR. CLARK: Because I need to talk to him about 25 this plea bargain we're going to take or whatever. You</p>	<p style="text-align: right;">Page 4</p> <p>1 MR. CLARK: Uh-huh. Well, I love you, mom. 2 I'll talk to you later. 3 MOM: I said go to your room. 4 CHILD: No. 5 MOM: No, go to your room now. 6 He doesn't believe me when I say go to your 7 room. 8 MR. CLARK: Yeah, you guys spoil him. You got 9 him all fat. 10 MOM: He's soft. I'm seriously thinking about 11 karate classes. 12 MR. CLARK: Get him in something. 13 MOM: Yeah, I know. 14 MR. CLARK: That's good. I'll go. That's all 15 (inaudible), they played soccer. 16 MOM: No, it's because it was too much 17 competition for the food. 18 MR. CLARK: Sounds about right. No, but they 19 get as much as they want. But -- 20 MOM: Oh, heck, do you remember Angel 21 complaining because he couldn't get three eggs? 22 MR. CLARK: Yeah. 23 MOM: Three eggs. Three eggs. 24 MR. CLARK: Hey, mom, I don't want to blow up 25 your phone because last time I went through that 25 too</p>
<p style="text-align: right;">Page 3</p> <p>1 know what I mean? 2 MOM: Uh-huh. 3 MR. CLARK: I keep getting -- if I keep going to 4 court I'm going to end up getting sliced up or 5 something. 6 MOM: Yeah. 7 MR. CLARK: So we've got to figure this out, 8 whatever we're going to do. But, yeah, if you can, just 9 keep on -- 10 MOM: Brandon, quit doing that to my doggie. 11 MR. CLARK: Whenever he texts you back, just let 12 me know the day and time and I'll set it up. 13 MOM: Okay. 14 MR. CLARK: All right, mom. You didn't hear 15 nothing from Jeannette? 16 MOM: I haven't heard nothing from Jeannette. 17 MR. CLARK: Yeah, she's mad. 18 MOM: Here, go to your room. 19 MR. CLARK: All right, mom. Well, I love you. 20 I'll talk to you later. 21 MOM: He's yelling at my dog and barking at him. 22 I think I'm going to starve him and don't let him eat 23 dinner. 24 MR. CLARK: Yeah, right. 25 MOM: Little round boy.</p>	<p style="text-align: right;">Page 5</p> <p>1 fast. So I'll call you back tomorrow. 2 MOM: Okay. 3 MR. CLARK: Love you. Love you, mom. 4 MOM: Love you, too. 5 MR. CLARK: Thank you for everything. 6 MOM: Bye-bye. (Kisses into the phone). 7 MR. CLARK: (Kisses into the phone). Hey, tell 8 Vernon I said what's up. 9 MOM: Okay. I'll do that. Big V and little V. 10 MR. CLARK: Both of them. How is big V? You 11 haven't told me nothing about him. 12 MOM: Oh, I talked to him this morning and he 13 said that he just sleeps all the time and this and that, 14 you know, nothing to do. He's tired of reading, 15 da-da-da-da. 16 MR. CLARK: So what was -- 17 MOM: So I -- I told -- 18 MR. CLARK: -- (inaudible) looking at? 19 MOM: Well, he has court December 1st. 20 MR. CLARK: Trial? 21 MOM: Yeah. 22 MR. CLARK: And what -- 23 MOM: And so I told his -- I told -- they 24 haven't given him anything yet, but I told his attorney, 25 I text him afterwards, I said they're not giving him any</p>

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1 kind of mental health. You know, no group, no nothing,
 2 no nothing, and no nothing. You know, he refuses the
 3 meds because he -- because they were making him fat.
 4 MR. CLARK: Yeah.
 5 MOM: You know, and puffy. You know, he's in
 6 there anyway doing nothing, so he's getting puffy, and
 7 that's making him puffier. And --
 8 MR. CLARK: He's going to end up fighting with
 9 somebody.
 10 MOM: So -- so -- well, they don't let him have
 11 any contact, you know, with anybody. They don't let him
 12 have group. That's why -- that's their excuse, is that,
 13 you know, they don't know who is going to --
 14 MR. CLARK: Because of me.
 15 MOM: Uh-huh.
 16 MR. CLARK: Because of me. You know, I mean, I
 17 didn't want him to go through that but it was already in
 18 the -- in effect anyway, you know.
 19 MOM: Well, yeah, but he's the one that put his
 20 idiot out -- in an idiot position. But it's costing me
 21 money, costing your dad money, you know.
 22 MR. CLARK: Yeah.
 23 MOM: But I just don't want to see him going
 24 to -- you know, to prison for 20 years for some stupid
 25 ass bullshit.

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1 saw.
 2 MR. CLARK: Chain saw.
 3 MOM: But what the hell was he reaching for his
 4 chain saw for?
 5 MR. CLARK: To try to kill Vernon.
 6 MOM: There you go. So what does that imply
 7 right there? And Vernon was in a caged yard. You know,
 8 it was a fenced yard. The woman also said that the gate
 9 was closed and locked.
 10 MR. CLARK: So it wasn't like he was getting out
 11 very easily without getting hit in the back or stabbed
 12 or --
 13 MOM: Yes.
 14 MR. CLARK: -- hit with a rock or anything.
 15 MOM: Right. So --
 16 MR. CLARK: So I'm -- so, yeah, so that's --
 17 MOM: And so Vernon -- Vernon made a statement
 18 to the police, very good, according to what his attorney
 19 said, and, you know, so -- so he's not going to have
 20 to -- to --
 21 MR. CLARK: Go up on the stand.
 22 MOM: -- to go up on the stand, so they don't
 23 have to pull up his background, you know.
 24 MR. CLARK: No, that's probably the best thing
 25 about that.

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1 MR. CLARK: Yeah.
 2 MOM: I mean, not that it wasn't his fault. I
 3 mean, it was his fault in the sense that he -- he
 4 protected himself, but -- but you know what I mean, but
 5 it was his fault in the sense that he put himself in
 6 that position.
 7 MR. CLARK: Yeah. Yeah, he put himself in that
 8 situation.
 9 MOM: Yeah.
 10 MR. CLARK: I mean, if he could -- you know, he
 11 was just -- I mean, right now they got him with second
 12 degree.
 13 MOM: Uh-huh.
 14 MR. CLARK: If he could even just get it dropped
 15 down to manslaughter, any manslaughter, he'd be all
 16 right.
 17 MOM: But it ain't going to -- it ain't going to
 18 go through with second-degree. The most they'll get him
 19 for is manslaughter. You know, by the time they get
 20 through with everything because, you know, from what the
 21 attorney has told me, you know, what's been said, you
 22 know, the -- the -- the witness, you know, she was the
 23 one that said este Jose was reaching for a --
 24 MR. CLARK: Yes.
 25 MOM: -- whatever the hell you call that, chain

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1 MOM: Yeah.
 2 MR. CLARK: Did you know -- did you know, if I
 3 didn't do what I did, they were going to try to charge
 4 you and Jeannette.
 5 MOM: Well, I know you said that.
 6 MR. CLARK: I don't think I ever told Jeannette
 7 that though. But I couldn't let that happen. Vernon
 8 would have went down too.
 9 MOM: For what? Were we informed that we were
 10 doing anything that was illegal?
 11 MR. CLARK: It doesn't -- it doesn't matter. I
 12 mean, the three-ways -- any three-ways that you did for
 13 any -- any of them dudes was promoting. You know, and
 14 that's -- that's what you call that. You know, you
 15 might have just got probation or something, but --
 16 MOM: Yeah, but how could that be considered
 17 promoting? There -- there's no recording or anything
 18 that says that I can't do a three-way for you.
 19 MR. CLARK: Yeah, but see, with the way they
 20 look at it is that you're helping to -- the way -- the
 21 way the law is set up is if you're helping someone to
 22 promote any kind of criminal activity because so and so
 23 said this on the phone or I said this on the phone or
 24 you sent somebody money or -- or anything like that.
 25 MOM: Uh-huh.

3 (Pages 6 to 9)

<p style="text-align: right;">Page 10</p> <p>1 MR. CLARK: If you're -- if anything like that 2 happens, you're aiding and abetting a criminal and a 3 gang member. 4 MOM: Okay. 5 MR. CLARK: So, I mean, they already charged a 6 couple people's moms and old ladies, you know. 7 MOM: I got to let you go. 8 MR. CLARK: I love you, mom. 9 MOM: Okay? No, I got to take my doggies 10 outside. 11 MR. CLARK: No. You're talking to me? 12 MOM: Yeah, I'm talking to you, mijo. I 13 got -- I'm taking my dogs outside to go potty. 14 MR. CLARK: Well, I'm just -- 15 MOM: Don't go on the truck. 16 MR. CLARK: I'm just -- I'm just letting you 17 know that that's -- you know, I mean -- 18 MOM: Yeah. 19 MR. CLARK: -- that was one of the things I 20 thought about, you know. 21 MOM: Yeah, okay. 22 MR. CLARK: I couldn't -- I ain't going to let 23 you guys fall for my bullshit. You know what I mean? 24 MOM: Yeah, I hear you. 25 MR. CLARK: But I love you, mom.</p>	<p style="text-align: right;">Page 12</p> <p>1 In Re: 2 USA vs. Angel Deleon, Ben Clark and Mom phone call</p> <hr/> <p>3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">CERTIFICATE</p> <p>I, Lisa Reinicke, New Mexico Certified Stenotranscriptionist, DO HEREBY CERTIFY that the above captioned transcription was prepared by me; that the RECORDING was reduced to typewritten transcript by me; that I listened to the entire RECORDING; that the foregoing transcript is a complete record of all material included thereon, and that the foregoing pages are a true and correct transcription of the recorded proceedings, to the best of my knowledge and hearing ability. The recording was of GOOD quality. I FURTHER CERTIFY that I am neither employed by nor related to nor contracted with (unless excepted by the rules) any of the parties or attorneys in this matter, and that I have no interest whatsoever in the final disposition of this matter.</p> <hr/> <p style="text-align: right;">Lisa Reinicke, Certified Stenotranscriptionist</p>
<p style="text-align: right;">Page 11</p> <p>1 MOM: I love you, too, mijo. You take care. 2 MR. CLARK: All right. All right, bye-bye. 3 MOM: Bye-bye. 4 RECORDING: The person -- 5 [The recording concludes.] 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	